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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/594,168

09/26/2006

Atsushi Tanno

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EXAMINER

FISCHER, JUSTIN R

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

06/03/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/594,168	Applicant(s) TANNO, ATSUSHI	
	Examiner Justin R. Fischer	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-8,11 and 12 is/are rejected.
- 7) ☒ Claim(s) 3,4,9 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>092606</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5, 7, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Seko (JP 2004-90753). As best depicted in Figure 4, Seko teaches a wheel assembly including a runflat core defined by a pair of elastic rings 5 and a circular shell 4. The wheel assembly further includes sponge elements 9 that are "provided to the circular shell". In this instance, said sponge elements can be viewed as the claimed "sound absorbing member".

Regarding claim 5, the claim language is directed to the method of inserting the sound absorbing member and subsequently removing a film to expand the volume- such language, however, does not further define the structure of the claimed article. It is emphasized that the claims are directed to a wheel assembly and the structure of said assembly does not appear to be materially affected by practicing the claimed method .

As to claim 11, the placement of a covering film over the runflat core does not further define the structure of the claimed runflat core (comprised of circular shell, pair of elastic rings, and sound absorbing member). It is suggested that applicant amend

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the claim to require a runflat core further comprising a film that covers the sound absorbing member.

3. Claims 1, 5, 7, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuramori (JP 2004-51012). As best depicted in Figure 4, Kuramori teaches a wheel assembly including a runflat core defined by a pair of elastic rings 5 and a circular shell
4. The wheel assembly further includes a sound absorbing member in the form of elastic bodies 6. It is noted that that the claims as currently drafted fail to exclude said bodies from being viewed as the claimed sound absorbing member.

Regarding claim 5, the claim language is directed to the method of inserting the sound absorbing member and subsequently removing a film to expand the volume- such language, however, does not further define the structure of the claimed article. It is emphasized that the claims are directed to a wheel assembly and the structure of said assembly does not appear to be materially affected by practicing the claimed method .

As to claim 11, the placement of a covering film over the runflat core does not further define the structure of the claimed runflat core (comprised of circular shell, pair of elastic rings, and sound absorbing member). It is suggested that applicant amend the claim to require a runflat core further comprising a film that covers the sound absorbing member.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seko as applied in Paragraph 2 above and further in view of Gutierrez del Cepeda (ES 2030328) and Nakajima (US 6,581,658). As detailed above, Seko teaches the inclusion of "sponge elements". While the reference is silent with respect to the specific type of sponge material, one of ordinary skill in the art at the time of the invention would have found it obvious to use a polyurethane foam since such a material represents one of the most common "sponge" materials used in tire cavities, as shown for example by Gutierrez del Cepeda (Abstract). Additionally, although Gutierrez del Cepeda is silent with respect to the properties of such a polyurethane foam, such polyurethane foams (those used in the tire industry) commonly have a density between 5 and 70 kgf/m³, as shown for example by Nakajima (Column 2, Lines 5-15 and 28-31) and applicant identifies polyurethanes having the above noted density as representing suitable materials (Paragraph 25 of ordinal disclosure). Given applicant's disclosure, one of ordinary skill in the art at the time of the invention would have expected the polyurethane sponge detailed above to have the claimed tear strength and absorption coefficient. Lastly, applicant has not provided a conclusive showing of unexpected results to establish a criticality for the claimed properties.

7. Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuramori. As detailed above, Kuramori teaches a wheel assembly including elastic bodies 6 (claimed sound absorbing member). Although Kuramori fails to expressly

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disclose the dimensions of said bodies, Figure 4 depicts the elastic bodies as having a significant width in relation to the width of the runflat core and a significant thickness in the radial direction. Given such a disclosure, one of ordinary skill in the art at the time of the invention would have found it obvious to form the elastic bodies of Kuramori in accordance to the claimed invention. It is emphasized that Figure 4 depicts an elastic body having a width of at least 30% of the width of the runflat core and having a thickness on the order of the broad range of the claimed invention. Additionally, Figures 1-5 suggest the use of a wide variety of geometries, and thus a wide variety of dimensions, and applicant has not provided a conclusive showing of unexpected results to establish a criticality for the claimed dimensions.

Allowable Subject Matter

8. Claims 3, 4, 9, and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R. Fischer** whose telephone number is **(571) 272-1215**. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Justin Fischer
/Justin R Fischer/
Primary Examiner, Art Unit 1791
June 2, 2009